

Licensing INL Technology

INL contractor-owned inventions are available for licensing for commercialization by U.S. and foreign companies and organizations. INL licenses its intellectual property on much of the same terms as universities, other research organizations and industrial firms.

Grant of Rights

Various licensing terms may be negotiated, including both exclusive and non-exclusive license grants. Exclusive licenses may be in certain fields of use, geographic areas, or according to other terms. Co-exclusive and partially exclusive licenses, where exclusive rights to commercialize a technology may be shared by several organizations or restricted by area of use, territory or other terms, may also be granted. For example, one company may obtain exclusive rights to use and invention for applications in the energy industry while another exclusively licenses the same invention for applications in the food industry.

Royalties and Payments

INL licensing royalties comparable to those charged by universities, other research organizations and the private sector. Licenses usually require an up-front, non-refundable payment, royalty payments based on sales, and a minimum annual royalty. The fees will vary depending on the number of patents licensed, the demand for the technology, and the



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exclusivity of the license. Licensees obtaining foreign rights may be asked to pay the cost of preparing, filing, and prosecuting foreign patent applications, and the maintenance of all resulting foreign patents.

U.S. Government Retained License

As with all technology developed with federal funds, the U.S. Government retains a worldwide, non-exclusive, nontransferable, irrevocable, paid-up license to practice or have practiced any licensed intellectual property for or on behalf of the U.S. Government.

U.S. Preference

INL is required to preferentially license inventions to U.S.-based firms, particularly those that will develop and manufacture licensed products in the U.S. However, in appropriate circumstances, non-U.S. firms may receive

licenses, including broad exclusive licenses, for the countries in which they operate or even receive exclusive worldwide licenses.

Technical Assistance

The licensee is solely responsible for the commercialization of the licensed inventions. Under specific circumstances, INL may agree to provide technical assistance to the licensee on a full cost recovery basis if the work is beneficial to INL's mission objectives.

Limited Warranty and Indemnification

Any license for INL technology will contain a disclaimer of warranties and require indemnification of BEA and the U.S. Government.

Non-Assignability

The license may extend to subsidiaries of the licensee or other parties, if provided for in

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the license, but will be non-assignable unless approved by INL, except to the successor of that part of the licensee's business to which the invention pertains.

Sublicensing

An INL license may include the right to grant sublicenses under the license, subject to the approval of INL. Each sublicense shall make reference to the license, including the rights retained by the Government, and a copy of such sublicense must be furnished to INL.

DOE March-In Rights

The DOE has certain march-in rights to intellectual property developed with federal funding. Although rarely exercised, this right is in accordance with the

Code of Federal Regulations.

Export Control

The license will contain a provision recognizing that the export of goods and/or technical data from the U.S. may require an export license from the U.S. Government. Failure to obtain an export license may result in criminal liability under U.S. law.

Technologies Available

INL has many technologies available for licensing to meet a variety of industrial needs. INL's technology portfolios are organized by industrial area and are managed by commercialization managers with experience in these industries. Technologies listed in each portfolio change as new technologies

become available and as licensing occurs.

If you are interested in licensing an INL technology, please contact the commercialization manager listed on our technology web page. The commercialization manager will assist you in creating the business partnership needed to successfully commercialize the technology.

INL's overall goal is to find parties interested in commercializing lab-developed technologies and invites interested parties to contact us regarding licensing opportunities.